

**Notice of Allowability**

Application No.

10/017,534

Examiner

Patrick J. Connolly

Applicant(s)

OSTROVSKY ET AL.

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2877

(32)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07 March 2005.
2. ☒ The allowed claim(s) is/are 1,3-63 and 74-87.
3. ☒ The drawings filed on 18 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Gregory J. Fossley, Jr.  
Supervisory Patent Examiner

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on March 07, 2005 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of U.S. Patent 6,847,454 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Arguments***

Applicant's arguments, see the Paper, filed February 08, 2005, with respect to claims 53-57 have been fully considered and are persuasive. The rejection of 53-57 has been withdrawn.

### ***Allowable Subject Matter***

Claims 1, 3-63 and 74-87 allowed.

The following is an examiner's statement of reasons for allowance:

As to claims 1, 16, 22, 33 and 74, the prior art of record, taken alone or in combination, fails to disclose or render obvious an interferometer including: a first beamsplitter splitting light into a sample beam and reference beam; a diffraction grating positioned to diffract a reference light beam; and a second beamsplitter positioned to receive and combine a reflected sample light beam and diffracted reference light beam, in combination with the rest of the limitations of claim 1, 16, 22, 33 and 74.

As to claim 53, see Applicant's arguments filed February 08, 2005 for reasons for Allowance.

As to claim 58, the prior art of record, taken alone or in combination fails to disclose or render obvious a method of imaging a sample material including: directing a sample beam onto a sample and receiving a reflected sample beam; diffracting a reference beam; and combining the

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reflected sample beam with the diffracted reference beam to form a combined light beam for detection, in combination with the rest of the limitations of claim 58.

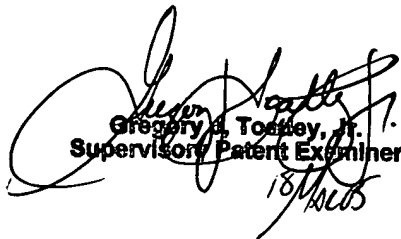
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Connolly whose telephone number is 571.272.2412. The examiner can normally be reached on 9:00 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on 571.272.2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pjc PJC  
7.17.2005

  
Gregory J. Toatley, Jr.  
Supervisory Patent Examiner  
10/10/05